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OFFICE OF PETITIONS

In re Patent No. 6,903,106	:	
Zook et al.	:	DECISION ON REQUEST FOR
Issue Date: June 7, 2005	:	RECONSIDERATION OF
Application No. 10/648,812	:	PATENT TERM ADJUSTMENT
Filed: August 26, 2003	:	and
Atty Docket No. 690068.569	:	NOTICE OF INTENT TO ISSUE A
	:	CERTIFICATE OF CORRECTION
	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed June 27, 2005. Patentees request that the patent term adjustment under 35 U.S.C. 154(b) on the face of the patent be corrected from twelve (12) days to fifty-five (55) days.

The request is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of fifty-five (55) days.

On June 7, 2005, the above-identified application matured into U.S. Patent No. 6,903,106. The instant request for reconsideration filed June 27, 2005, was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 12 days.

By decision mailed March 30, 2005, the initial determination of patent term adjustment at the time of the mailing of the notice of allowance was corrected to two (2) days. At issuance of the patent, the patent term adjustment was increased by ten (10) days for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met. See § 1.706(b). Patentees contend that the patent term adjustment should have been increased by fifty-three days for this delay.

Patentees are correct. The Issue Fee was received on December 15, 2004 (not January 28, 2005), and at that time, all outstanding requirements had been satisfied; however, the patent

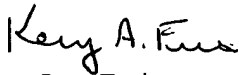
did not issue until June 7, 2005, four months and 53 days later. Accordingly, the application is entitled to an additional period of adjustment of 53 days and a total patent term adjustment of 55 days.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of fifty-five (55) days.

Patentees' submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by fifty-five (55) days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Attachments: Copy of Draft Certificate of Correction